



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,789	03/31/2004	Thamer A. Abanami	307644.01	9919

22801 7590 10/18/2006

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER

AHN, SANGWOO

ART UNIT PAPER NUMBER

2166

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/816,789	ABANAMI ET AL.	
	Examiner	Art Unit	
	Sangwoo Ahn	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03312004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 2 – 9, 13 – 18, 20 – 26, 28 – 30, 32 – 36 are objected to because of the following informalities:

Claims 2 – 9 recite "One or more media as recited in claim 1". Examiner respectfully suggests Applicant to change this to "The one or more media as recited in claim 1".

Claims 13 – 18 recite "One or more media as recited in claim 12". Examiner respectfully suggests Applicant to change this to "The one or more media as recited in claim 12".

Claims 20 – 26 recite "A method as recited in claim 19". Examiner respectfully suggests Applicant to change this to "The method as recited in claim 19".

Claims 28 – 30 recite "One or more media as recited in claim 27". Examiner respectfully suggests Applicant to change this to "The one or more media as recited in claim 27".

Claims 32 – 36 recite "A system as recited in claim 31". Examiner respectfully suggests Applicant to change this to "The system as recited in claim 31".

Claims 8 – 9, 17 – 18, 25 – 26, 29 – 30 recite "digital items". Examiner respectfully suggests Applicant to change this to "the digital items".

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 36 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Publication Number 2002/0078075 issued to James C. Colson et al (hereinafter “Colson”).

Regarding claim 1, Colson discloses,

One or more processor-readable media having processor-executable instructions that, when executed by a processor, performs acts comprising:

 sorting a collection of digital items stored on a source device based, at least in part, upon a user-configurable priority assigned to the digital items in the collection (paragraph 35 line 3, paragraph 44 lines 1 – 7, et seq.);

 designating a group of sorted digital items with highest priority for synchronization with a target device coupled to the source device (paragraph 30 lines 10 – 12, paragraph 44 lines 5 – 7, et seq.);

 synchronizing the designated group of digital items with the coupled target device (paragraph 44 lines 12 – 15, et seq.).

Regarding claim 2, Colson discloses,

Art Unit: 2166

providing a user-interface which facilitates user-configurable assignment of priority for one or more digital items in the collection (paragraph 34 lines 16 – 18, et seq.).

Regarding claim 3, Colson discloses,

the storage requirements of the designated group of digital items is less than or equal to a defined storage capacity of the target device (paragraph 17 lines 3 – 6, et seq.).

Regarding claim 4, Colson discloses,

the storage requirements of the designated group of digital items is less than or equal to a defined storage capacity of the target device and the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device (paragraph 17 lines 3 – 6, paragraph 49 lines 8 – 10, et seq.).

Regarding claim 5, Colson discloses,

the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (column 6 line 2, et seq.).

Regarding claim 6, Colson discloses,

the synchronizing further comprises directing the target device to remove a digital item stored thereon but not part of the designated group of digital items for synchronization (paragraph 3 lines 13 – 15, et seq.).

Regarding claim 7, Colson discloses,

the synchronizing further comprises transferring from the source device a digital item which is part of the designated group of digital items for synchronization but not already stored on the target device (paragraph 3 lines 13 – 15, et seq.).

Regarding claim 8, Colson discloses,

digital items are audio, image, or video files (“data” in Colson could be *any* data).

Regarding claim 9, Colson discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data (“data” in Colson could be *any* data, paragraph 45 line 6, et seq.).

Claims 10 – 11 are rejected based on the same rationale discussed in claim 1 rejection and Figure 1, et seq.

Regarding claim 12, Colson discloses,

One or more processor-readable media having processor-executable instructions that, when executed by a processor, produce a user-interface (UI), the UI comprising:

a first display area illustrating a listing of one or more digital items from a collection of digital items stored on a source device (paragraph 34 lines 16 – 18, et seq.);

a second display area illustrating a user-configurable priority corresponding to the one or more digital items in the listing (paragraph 34 lines 16 – 18, et seq.);

an executable process associated with the one or more digital items in the listing that is configured to:

designate a group of sorted digital items with highest priority for synchronization with a target device coupled to the source device, wherein the storage requirements of the designated group of digital items is less than or equal to a defined storage capacity of the target device (paragraph 17 lines 3 – 6, paragraph 30 lines 10 – 12, paragraph 44 lines 5 – 7, et seq.);

synchronize the designated group of digital items with the coupled target device (paragraph 44 lines 12 – 15, et seq.).

Regarding claim 13, Colson discloses,

the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device (paragraph 17 lines 3 – 6, paragraph 49 lines 8 – 10, et seq.).

Regarding claim 14, Colson discloses,

the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (column 6 line 2, et seq.).

Regarding claim 15, Colson discloses,

the synchronizing further comprises directing the target device to remove a digital item stored thereon but not part of the designated group of digital items for synchronization (paragraph 3 lines 13 – 15, et seq.).

Regarding claim 16, Colson discloses,

the synchronizing further comprises transferring from the source device a digital item which is part of the designated group of digital items for synchronization but not already stored on the target device (paragraph 3 lines 13 – 15, et seq.).

Art Unit: 2166

Regarding claim 17, Colson discloses,

digital items are audio, image, or video files ("data" in Colson could be *any* data).

Regarding claim 18, Colson discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data ("data" in Colson could be *any* data, paragraph 45 line 6, et seq.).

Regarding claim 19, Colson discloses,

A method comprising:

sorting a collection of digital items stored on a source device based, at least in part, upon a user-configurable priority assigned to the digital items in the collection (paragraph 35 line 3, paragraph 44 lines 1 – 7, et seq.);

designating a group of sorted digital items with highest priority for synchronization with a target device coupled to the source device, wherein the storage requirements of the designated group of digital items is less than or equal to a defined storage capacity of the target device (paragraph 17 lines 3 – 6, paragraph 30 lines 10 – 12, paragraph 44 lines 5 – 7, et seq.);

synchronizing the designated group of digital items with the coupled target device (paragraph 44 lines 12 – 15, et seq.).

Regarding claim 20, Colson discloses,

providing a user-interface which facilitates user-configurable assignment of priority for one or more digital items in the collection (paragraph 34 lines 16 – 18, et seq.).

Regarding claim 21, Colson discloses,

the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device (paragraph 17 lines 3 – 6, paragraph 49 lines 8 – 10, et seq.).

Regarding claim 22, Colson discloses,

the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (column 6 line 2, et seq.).

Regarding claim 23, Colson discloses,

the synchronizing further comprises directing the target device to remove a digital item stored thereon but not part of the designated group of digital items for synchronization (paragraph 3 lines 13 – 15, et seq.).

Regarding claim 24, Colson discloses,

the synchronizing further comprises transferring from the source device a digital item which is part of the designated group of digital items for synchronization but not already stored on the target device (paragraph 3 lines 13 – 15, et seq.).

Regarding claim 25, Colson discloses,

digital items are audio, image, or video files ("data" in Colson could be *any* data).

Regarding claim 26, Colson discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data ("data" in Colson could be *any* data, paragraph 45 line 6, et seq.).

Regarding claim 27, Colson discloses,

One or more processor-readable media having processor-executable instructions that, when executed by a processor, produce a user-interface (UI), the UI comprising:

a first display area illustrating a listing of one or more digital items from a collection of digital items stored on a source device (paragraph 34 lines 16 – 18, et seq.);

a second display area illustrating a user-configurable priority corresponding to the one or more digital items in the listing (paragraph 34 lines 16 – 18, et seq.).

Regarding claim 28, Colson discloses,
the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (column 6 line 2, et seq.).

Regarding claim 29, Colson discloses,
digital items are audio, image, or video files (“data” in Colson could be *any* data).

Regarding claim 30, Colson discloses,
digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data (“data” in Colson could be *any* data, paragraph 45 line 6, et seq.).

Regarding claim 31, Colson discloses,

A system comprising:

a sorting means for sorting a collection of digital items stored on a source device based, at least in part, upon a user-configurable priority assigned to the digital items in the collection (paragraph 35 line 3, paragraph 44 lines 1 – 7, et seq.);

a designating means for designating a group of sorted digital items with highest priority for synchronization with a target device coupled to the source device, wherein the storage requirements of the designated group of digital items is less than or equal to a defined storage capacity of the target device (paragraph 17 lines 3 – 6, paragraph 30 lines 10 – 12, paragraph 44 lines 5 – 7, et seq.);

a synchronizing means for directing the target device to remove a digital item stored thereon but not part of the designated group of digital items for synchronization and for transferring from the source device a digital item which is part of the designated group of digital items for synchronization but not already stored on the target device (paragraph 3 lines 13 – 15, paragraph 44 lines 12 – 15, et seq.).

Regarding claim 32, Colson discloses,

providing a user-interface which facilitates user-configurable assignment of priority for one or more digital items in the collection (paragraph 34 lines 16 – 18, et seq.).

Regarding claim 33, Colson discloses,

the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device (paragraph 17 lines 3 – 6, paragraph 49 lines 8 – 10, et seq.).

Regarding claim 34, Colson discloses,

the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (column 6 line 2, et seq.).

Regarding claim 35, Colson discloses,

Art Unit: 2166

digital items are audio, image, or video files ("data" in Colson could be *any* data).

Regarding claim 36, Colson discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data ("data" in Colson could be *any* data, paragraph 45 line 6, et seq.).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sangwoo Ahn whose telephone number is (571) 272-5626. The examiner can normally be reached on M-F 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Sangwoo Ahn
Patent Examiner
AU 2166

10/11/2006 SW



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER